

ment Administration,¹ has concurred in the declaration;

(B) the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(C) national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) is in effect; or

(D) a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) is in effect.

(Added Pub. L. 116-283, div. C, title XXXV, § 3505(a), Jan. 1, 2021, 134 Stat. 4402.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (e)(2), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

The National Emergencies Act, referred to in subsec. (j)(4)(C), is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255, which is classified principally to chapter 34 (§1601 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 50 and Tables.

Statutory Notes and Related Subsidiaries

INCLUSION OF COVID-19 PANDEMIC PUBLIC HEALTH EMERGENCY

Pub. L. 116-283, div. C, title XXXV, § 3505(c), Jan. 1, 2021, 134 Stat. 4405, provided that: “For purposes of section 50308 of title 46, United States Code, as added by subsection (a), the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID-19 pandemic shall be treated as an emergency.”

CHAPTER 505—OTHER GENERAL PROVISIONS

Sec.	
50501.	Entities deemed citizens of the United States.
50502.	Applicability to receivers, trustees, successors, and assigns.
50503.	Oceanographic research vessels.
50504.	Sailing school vessels.

§ 50501. Entities deemed citizens of the United States

(a) IN GENERAL.—In this subtitle, a corporation, partnership, or association is deemed to be a citizen of the United States only if the controlling interest is owned by citizens of the United States. However, if the corporation, partnership, or association is operating a vessel in the coastwise trade, at least 75 percent of the interest must be owned by citizens of the United States.

(b) ADDITIONAL REQUIREMENTS FOR CORPORATIONS.—In this subtitle, a corporation is deemed to be a citizen of the United States only if, in addition to satisfying the requirements in subsection (a)—

(1) it is incorporated under the laws of the United States or a State;

(2) its chief executive officer, by whatever title, and the chairman of its board of directors are citizens of the United States; and

(3) no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum.

(c) DETERMINATION OF CONTROLLING CORPORATE INTEREST.—The controlling interest in a corporation is owned by citizens of the United States under subsection (a) only if—

(1) title to the majority of the stock in the corporation is vested in citizens of the United States free from any trust or fiduciary obligation in favor of a person not a citizen of the United States;

(2) the majority of the voting power in the corporation is vested in citizens of the United States;

(3) there is no contract or understanding by which the majority of the voting power in the corporation may be exercised, directly or indirectly, in behalf of a person not a citizen of the United States; and

(4) there is no other means by which control of the corporation is given to or permitted to be exercised by a person not a citizen of the United States.

(d) DETERMINATION OF 75 PERCENT CORPORATE INTEREST.—At least 75 percent of the interest in a corporation is owned by citizens of the United States under subsection (a) only if—

(1) title to at least 75 percent of the stock in the corporation is vested in citizens of the United States free from any trust or fiduciary obligation in favor of a person not a citizen of the United States;

(2) at least 75 percent of the voting power in the corporation is vested in citizens of the United States;

(3) there is no contract or understanding by which more than 25 percent of the voting power in the corporation may be exercised, directly or indirectly, in behalf of a person not a citizen of the United States; and

(4) there is no other means by which control of more than 25 percent of any interest in the corporation is given to or permitted to be exercised by a person not a citizen of the United States.

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1566.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50501(a)	46 App.:802(a) (words before 3d comma and after 11th comma).	Sept. 7, 1916, ch. 451, § 2(a)-(c), 39 Stat. 729; July 15, 1918, ch. 152, § 2, 40 Stat. 900; June 5, 1920, ch. 250, § 38, 41 Stat. 1008; Pub. L. 86-327, § 3, Sept. 21, 1959, 73 Stat. 597; Pub. L. 105-383, title IV, § 421, Nov. 13, 1998, 112 Stat. 3439.
	46 App.:1244(c).	June 29, 1936, ch. 858, title IX, § 905(c), 49 Stat. 2016; June 23, 1938, ch. 600, § 39(b), 52 Stat. 964; Pub. L. 86-327, § 4, Sept. 21, 1959, 73 Stat. 597.
50501(b)	46 App.:802(a) (words between 3d and 11th commas).	
50501(c)	46 App.:802(b).	
50501(d)	46 App.:802(c).	

In subsection (a), the words “and with respect to a corporation under subchapter VI of this chapter, all directors of the corporation are citizens of the United States” in 46 App. U.S.C. 1244(c) are omitted because

part A of subchapter VI contains the operating-differential subsidy program which, under 46 App. U.S.C. 1185a, is being phased out, and part B of subchapter VI contains the Maritime Security Fleet program which is being repealed (effective October 1, 2005) and replaced by chapter 531 of title 46 as enacted by the Maritime Security Act of 2003. Thus, subchapter VI is being omitted from the revised title and will instead appear as a note under section 53101. The words “and, in the case of a corporation, partnership, or association operating a vessel on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States the amount of interest required to be owned by a citizen of the United States shall be not less than 75 per centum” in 46 App. U.S.C. 1244(c) are omitted as covered by the 75 percent ownership requirement for operation in the coastwise trade.

In subsection (b)(1), the words “Territory, District, or possession thereof” are omitted because of the definition of “State” in chapter 1 of the revised title.

§ 50502. Applicability to receivers, trustees, successors, and assigns

This subtitle applies to receivers, trustees, successors, and assigns of any person to whom this subtitle applies.

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1567.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50502	46 App.:803.	Sept. 7, 1916, ch. 451, §2(d), 39 Stat. 729; June 5, 1920, ch. 250, §38, 41 Stat. 1008.

§ 50503. Oceanographic research vessels

An oceanographic research vessel (as defined in section 2101 of this title) is deemed not to be engaged in trade or commerce.

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1567.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50503	46 App.:441. 46 App.:443. 46 App.:444.	Pub. L. 89–99, §§1, 3, 4, July 30, 1965, 79 Stat. 424.

The definitions of “oceanographic research vessel” and “scientific personnel” in 46 App. U.S.C. 441 are omitted because substantially the same definitions are already in 46 U.S.C. 2101.

The text of 46 App. U.S.C. 444 is omitted because section 10101(3) of title 46, which defines “seaman” for purposes of part G of subtitle II of title 46, already contains an exception for scientific personnel. Title 53 of the Revised Statutes, referred to [in] 46 App. U.S.C. 444, was previously codified principally in part G of subtitle II of title 46.

§ 50504. Sailing school vessels

(a) DEFINITIONS.—In this section, the terms “sailing school instructor”, “sailing school student”, and “sailing school vessel” have the meaning given those terms in section 2101 of this title.

(b) NOT SEAMEN.—A sailing school student or sailing school instructor is deemed not to be a seaman under—

- (1) parts B, F, and G of subtitle II of this title; or
- (2) the maritime law doctrines of maintenance and cure or warranty of seaworthiness.

(c) NOT MERCHANT VESSEL OR ENGAGED IN TRADE OR COMMERCE.—A sailing school vessel is deemed not to be—

- (1) a merchant vessel under section 11101(a)–(c) of this title; or
- (2) a vessel engaged in trade or commerce.

(d) EVIDENCE OF FINANCIAL RESPONSIBILITY.—The owner or charterer of a sailing school vessel shall maintain evidence of financial responsibility to meet liability for death or injury to sailing school students and sailing school instructors on a voyage on the vessel. The amount of financial responsibility shall be at least \$50,000 for each student and instructor. Financial responsibility under this subsection may be evidenced by insurance or other adequate financial resources.

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1568.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50504(a)	46 App.:446c.	Pub. L. 97–322, title II, §§204, 205, 207, Oct. 15, 1982, 96 Stat. 1589.
50504(b)	46 App.:446.	Pub. L. 97–322, title II, §206, Oct. 15, 1982, 96 Stat. 1590; Pub. L. 98–557, §34(b), Oct. 30, 1984, 98 Stat. 2876.
50504(c)	46 App.:446b.	
50504(d)	46 App.:446a.	

In subsection (b)(1), the words “parts B, F, and G of subtitle II of this title” are substituted for “the provisions of titles 52 and 53 of the Revised Statutes of the United States and any Act amendatory thereof or supplementary thereto” because the relevant provisions of titles 52 and 53 of the Revised Statutes were previously codified in parts B, F, and G of subtitle II of title 46.

In subsection (c), references to 46 App. U.S.C. 291 and 883 are omitted for consistency with section 50503 of the revised title.

PART B—MERCHANT MARINE SERVICE

CHAPTER 511—GENERAL

Sec.	
51101.	Policy.
51102.	Definitions.
51103.	General authority of Secretary of Transportation.
51104.	General authority of Secretary of the Navy.

§ 51101. Policy

It is the policy of the United States that merchant marine vessels of the United States should be operated by highly trained and efficient citizens of the United States and that the United States Navy and the merchant marine of the United States should work closely together to promote the maximum integration of the total seapower forces of the United States.

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1568.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
51101	46 App.:1126–1(a) (1st sentence). 46 App.:1295 (1st sentence).	Pub. L. 94–361, title VI, §603(a) (1st sentence), July 14, 1976, 90 Stat. 929. June 29, 1936, ch. 858, title XIII, §1301 (1st sentence), as added Pub. L. 96–453, §2, Oct. 15, 1980, 94 Stat. 1997.